



REMARKS

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The Office Action mailed September 17, 2001 has been reviewed and carefully considered. Claim 8 is cancelled. Claim 1 has been amended. Claims 1-7 are pending in this application, with claim 1 being the only independent claim. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

In the Office Action mailed September 17, 2001, claims 1 and 4-8 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,694,968 (Devall).

Claims 2-3 stand rejected under 35 U.S.C. §103 as unpatentable over Devall in view of U.S. Patent No. 5,085,773 (Danowski).

Before discussing the cited prior art and the Examiner's rejections of the claims in view of that art, a brief summary of the present invention is appropriate. The present invention is directed to an antisurge element that is arranged at the opening of a ventilation device. The antisurge device includes a fixed component having a plurality of individual channels each of the channels has a length and a diameter, wherein the length is longer than the diameter. The plural individual channels are arranged so that they allow a flow of a gas medium therethrough and so that they produce a resistance to liquid flow which prevents sloshed fuel in the fuel tank from entering the ventilation device.

Independent claim 1 now recites, "said antisurge element comprising a fixed component having a plurality of individual channels, each of said plural individual channels having a diameter that is smaller than a diameter of said equalizing opening and having a length that is smaller than the diameter of said each of said plural individual channels, wherein a configuration of said plural individual channels is operatively arranged for allowing a flow of a gas medium therethrough and producing a resistance to liquid flow which prevents sloshed fuel

in the fuel tank which splashes against said antisurge element from entering said ventilation device”.

In contrast to the present invention, Devall discloses a device for controlling the discharge of fuel vapor from a fuel tank which includes a canister with a baffle plate 64 arranged on the bottom thereof. The canister also include a fuel-limit valve 10 which closes when fuel enters a certain height in the canister. The baffle plate 64 has holes or openings 164 therethrough which allow fuel to flow therethrough. Since the openings 164 are shown as being straight through the baffle plate 64, these opening would not prevent sloshed fuel from flowing therethrough and into the device for controlling discharge of fuel vapors. Accordingly, it is respectfully submitted that independent claim 1 is not anticipated by Devall.

Furthermore, independent claim 1 is not obvious over Devall because Devall teaches the requirement of a valve to prevent the fuel from entering the venting control system (see col. 3, lines 57-60). Accordingly, Devall fails to teach or suggest that the antisurge device comprises one fixed piece having channels that are arranged for allowing the passage of air therethrough and preventing the passage of liquid.

Danowski fails to teach what Devall lacks. Danowski discloses a fuel filter made of disks of sintered plastic parts. There is not teaching or suggestion for an antisurge device having channels arranged to allow the flow of a gas medium and prevent the flow of sloshed fuel. In view of the above amendments and remarks, it is respectfully submitted that independent claim 1 is allowable over Devall in view of Danowski.

Dependent claims 2-7, being dependent on independent claim 1 are allowable for at least the same reasons that independent claim 1 is allowable.


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The application is now deemed to be in condition for allowance and notice to that effect is solicited.

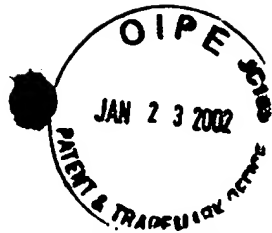
It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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**AMENDMENTS TO THE SPECIFICATION AND CLAIMS SHOWING CHANGES**

**In the Claims:**

1. (Amended) A ventilation device for a fuel tank having an equalizing opening arrangeable in the fuel tank for equalizing a fuel tank pressure in the fuel tank with an ambient pressure surrounding the fuel tank, said ventilation device comprising an antisurge element arranged in front of said equalizing opening, said antisurge element comprising a fixed component having a plurality of individual channels, each of said plural individual channels having a diameter that is smaller than a diameter of said equalizing opening and having a length that is smaller than the diameter of said each of said plural individual channels, wherein a configuration of said plural individual channels is operatively arranged for allowing a flow of a gas medium therethrough and producing a resistance to liquid flow which prevents sloshed fuel in the fuel tank which splashes against said anti surge element from entering said ventilation device.

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